

Addressing Barriers to Empowering Women: A South Asian Perspective



Over the past 10 years, women's movements around the world have made considerable progress in securing women's basic human rights, yet violence against women remains a problem of staggering proportions, says Ratna Kapur. (CIDA photo: V. Boyd)

2005-05-13

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The goal of the Beijing Platform for Action was to empower all women. But, has something been lost in battles to empower women that have been declared victories? And what has been gained in battles considered to be defeats?

Ratna Kapur, Director for the Centre for Feminist Legal Research in New Delhi, addressed these questions at a public forum held at the headquarters of the International Development Research Centre (IDRC). The event, held on March 7th, was attended by some 65 people from nongovernmental organizations, universities, and Canadian government departments.

Kapur noted that, over the past 10 years, women's movements around the world have made considerable progress in securing women's basic human rights. She presented an impressive list of international and Asian conventions and laws passed since 1995 dealing with rape, sexual harassment, and trafficking of women and children.

For example, there has been a significant anti-rape campaign in the Asia-Pacific region (although convictions are very low), the establishment in 1998 of the Indonesian National Commission on Violence Against Women, and legislative changes dealing with sexual harassment in India, Bangladesh, the Philippines, and South Korea.

In 1997, the Indian Supreme Court established guidelines for the prevention of sexual harassment in the workplace; then the National Commission of Women prepared a code of conduct to

implement the guidelines. Kapur noted that in addition to the landmark Trafficking Protocol, linked to the United Nations (UN) Convention against Transnational Organized Crime that came into effect in 2003, there is now also the South Asian Convention on Combating Trafficking in Women and Children for Prostitution.

Violence against women

Yet violence against women remains a problem of staggering proportions, says Kapur. As she pointed out, “in 2000, five years after Beijing, the UN reported that each year the world’s women have 80 million unwanted pregnancies, undergo 20 million unsafe abortions, suffer millions of beatings and rapes, and are often killed at birth because of their gender.”

Drawing on her 20 years of experience in human rights and feminist legal studies, Kapur’s talk concentrated on analyzing why violence against women and gender inequality persist in South Asia and globally. The aim was to formulate suggestions for altering strategies.

“First, there is the absence of a rights discourse,” says Kapur. Second, is a troubling focus on culture when it comes to women’s rights in Asia-Pacific.

Within Asian societies, she says, there has been failure, especially on the part of governments and state institutions, to come to grips with the deeply embedded systematic nature of violence against women. She cited a United Nations Development Fund for Women (UNIFEM) statement claiming that violence against women in Bangladesh is the worst in the world, with 47% of all women violently assaulted by their male partners.

A focus on wrongs not rights

Kapur argues that “the broad framework of rights that inspired the women’s human rights movement in Vienna and Beijing has been reduced in Asia, and internationally, to a very narrow focus on violence against women.” According to Kapur, issues of violence against women have not necessarily been addressed “through the language of rights, but rather in and through the language of wrongs.”

She added that the focus on amending only criminal laws does not necessarily lead to the promotion of women’s human rights. Rather it ends up empowering the courts and the state. Kapur also believes that “constantly speaking through the wrongs committed against women often inadvertently builds on gender and neo-colonial stereotypes that women are weak and vulnerable and in need of protection; or that they are victims of a backward culture and primitive civilization. In each of these areas we have failed to articulate a rights plan alongside a violence against women plan.”

Using the issue of trafficking as an example, she contends that the anti-trafficking laws and initiatives are “informed by a protectionist and moralistic perspective that deals with trafficking by restricting women’s rights to movement and subjecting them to greater moral surveillance.” This tends to equate all women’s movement with coerced movement, thereby equating women’s migration with trafficking and undermining a basic human right — the right to mobility.

Culture and violence

With respect to violence against women, Kapur questions why culture needs to come into the equation.

“Why is culture invariably placed into a First World, Third World divide?,” she asked. She believes that cultural explanations actually obscure more than they reveal. For example, she says an argument could be made that guns are a part of American culture. However, she contends, gun-related murders of women in the context of domestic violence are never articulated in terms of “death by culture.” This is not the case when a woman is burned to death in India, she says. In fact, Kapur said that the issue of culture is often set up in opposition to human rights and she believes this dichotomy is, in fact, false.

Kapur cited examples of how women sometimes have to choose between their right to gender equality and their rights as members of minority religious groups and emphasized that this is really not a choice. According to Kapur, “feminists have sought equality along the lines of gender... but the problem with this is that women also experience discrimination on the basis of race, religion, ethnicity, class, physical disability, and sexual identity.” She also referred to the example of India where the struggle for equality has sometimes reinforced orthodox agendas. In addition, it has been difficult to treat Hindu and Moslem women the same because laws risk offending religious groups. She concluded by stressing that law-makers must recognize that there’s “no single approach or strategy that can be deployed to address the multiple ways in which women are oppressed. The contemporary women’s movement needs to resist the temptation to base its intervention strategies exclusively on gender and should develop more complex notions of identity and subordination.”

Kapur’s engaging, far-reaching, thought-provoking presentation confirmed the need to reflect on and note the impact that new laws have on women’s lives.

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